

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VIRGIL C. SHADE,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner of the
Social Security Administration

Defendant.

Case No. C15-1180-MJP-BAT

**ORDER REMANDING CASE
PURSUANT TO SENTENCE SIX
OF 42 U.S.C. § 405(g)**

The Court, after careful consideration of plaintiff's complaint (Dkt. 1), the papers filed in support of and in opposition to the Commissioner's motion to remand (Dkts. 18, 24, 25), the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the balance of the record, does hereby find and **ORDER**:

- (1) The Report and Recommendation is **ADOPTED**.
- (2) The Commissioner's motion to remand (Dkt. 18) is **GRANTED**.
- (3) This matter is **REMANDED** for good cause pursuant to sentence six of 42 U.S.C.

§ 405(g). On remand:

- a) The Appeals Council shall attempt to locate the missing records relating to the ALJ's decision dated December 5, 2013. If the Appeals Council cannot locate the missing records, it shall promptly reconstruct them. If the Appeals Council locates or reconstructs the missing records, it shall then determine if the file is

1 complete. If the file is complete, the Appeals Council shall prepare a certified
2 administrative record.

3 b) If the missing records cannot be located or reconstructed, and the Appeals
4 Council determines that the file is not complete, it shall remand the case to an
5 ALJ, who shall hold a new hearing and issue a new decision on this claim.

6 c) The Court will retain jurisdiction over the case pursuant to 42 U.S.C. § 405(g).
7 The parties shall promptly notify the Court as to the outcome of the final
8 administrative decision in this case. Additionally, within 90 days after the
9 decision becoming administratively final, the parties shall either file before this
10 Court notice of a favorable administrative decision, or, if the decision is
11 unfavorable to Mr. Shade, the Commissioner shall file the administrative record
so that Mr. Shade may seek judicial review by reinstating this case.

12 DATED this 23rd day of May, 2016.

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15 Marsha J. Pechman
16 United States District Judge
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